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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,511	09/23/2005	Jang-Kun Song	8071-156T (OPP050014US)	6170
7590 F. Chau & Associates, LLC 130 Woodbury Road Woodbury, NY 11797			EXAMINER CALEY, MICHAEL H	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 12/18/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,511	Applicant(s) SONG ET AL.	
	Examiner MICHAEL H. CALEY	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Nakao et al. (WO 02/50603 A1 "Nakao").

U.S. Patent Application Publication No. 2003/0122767 is utilized as an English language equivalent of the WO 02/50603 A1 document.

Regarding claim 1, Nakao discloses a liquid crystal display comprising:

- a first insulating substrate (Figure 18 element 20);

- a plurality of gate lines (gate electrode lines) formed on the first insulating substrate;

- a plurality of data lines (source electrode lines) insulated (Paragraph [0006]) from the gate lines and intersecting the gate lines to define a plurality of pixel areas (Paragraphs [0005], [0006]);

- a plurality of pixel electrodes (23) provided on the pixel areas;

- a plurality of thin film transistors (Figure 18b) connected to the gate lines, the data lines and the pixel electrodes;

- a second insulating substrate (30) facing the first insulating substrate;

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a common electrode (31) formed on the second insulating substrate;
a liquid crystal layer (5) interposed between the first insulating substrate and the second insulating substrate and aligned in an OCB mode (Paragraph [0003]);
first and second compensation films (Figure 19 elements 91d, 91u) provided on outer surfaces of the first and the second insulating substrate; and
first and second polarization films (92d, 92u) provided on outer surfaces of the first and the second compensation films,
wherein the retardations fit within the proposed ranges in a black state for red, green, and blue lights, respectively (Paragraph [0013]).

Allowable Subject Matter

Claims 6 and 7 are allowed.

Reasons for indication of allowable subject matter remain as stated in the 7/2/09 office action.

Response to Arguments

Applicant's arguments filed 9/2/09 have been fully considered but they are not persuasive.

Applicant argues that Nakao does not disclose the claimed black state retardation values. Applicant contends that Nakao instead discloses a black state retardation of 70 nm.

The examiner disagrees and maintains the rejection. The reference to a 70 nm retardation in the black state takes into account *only* the retardation of the liquid crystal layer itself. When

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the retardation of the liquid crystal layer is summed with the retardation of the retardation films, the retardation in the black state is 0 nm (see also, Nakao: first sentence of Paragraph [0014]).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL H. CALEY whose telephone number is (571)272-2286. The examiner can normally be reached on M-F 6:00 a.m - 2:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael H. Caley/
Primary Examiner, Art Unit 2871